

LAW OFFICE OF GREGORY JAVARDIAN, LLC  
BY: MARY F. KENNEDY, ESQUIRE  
ID# 77149  
1310 Industrial Blvd.  
1<sup>st</sup> Floor, Suite 101  
Southampton, PA 18966  
(215) 942-9690  
Attorney for Citizens Bank of Pennsylvania

Hearing Date: October 26, 2016 at  
10:00 am in Courtroom 4, United States  
Bankruptcy Court, 900 Market Street,  
Philadelphia, PA 19107

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE:	Chapter 13 Proceeding
Natacha Rios	
Debtor(s)	16-14643 SR

**MOTION OF CITIZENS BANK OF PENNSYLVANIA FOR RELIEF OF FROM THE  
AUTOMATIC STAY**

AND NOW, comes secured Creditor, Citizens Bank of Pennsylvania (Movant) by and through its counsel, Mary F. Kennedy, and files this Motion to obtain an order for Relief from the Automatic Stay due to lack of equity in debtor(s) property and debtor(s) failure to provide Movant with adequate protection of its interest in the property which is the basis of the creditor's security.

1. On or about June 30, 2016, Debtor(s) filed a Chapter 13 Bankruptcy Petition.
2. On August 17, 2009, the debtor executed a Mortgage and Note to Movant and or Movant's assignor in the amount of \$84,000.00 and secured by the property located at 583 Alcott Street, Philadelphia, PA 19120, referred to as the "property." Said Mortgage was recorded on September 1, 2009 in the Philadelphia County Recorder of Deeds Office at instrument no. 52113002, (See Exhibit "A" attached).
3. The debtor is presently in arrears post-petition for three (3) months, July 21, 2016 to September 21, 2016. The total arrears including \$1,026.00 for attorney fees and costs is \$1,964.10.
4. Movant wishes to have the automatic stay terminated to permit Movant to complete foreclosure on its mortgage.

5. Pursuant to 11 U.S.C.A. section 362 (d) (1), cause exists to granted Movant relief from the stay.

WHEREFORE, Movant respectfully requests this Honorable Court ORDER:

That Relief from the Automatic Stay be granted to Citizens Bank of Pennsylvania to proceed with foreclosure action to obtain all other Relief available under Non-Bankruptcy Law. That the relief granted by the Court will survive the conversion of this bankruptcy case to a case under any other Chapter of the Bankruptcy Code. And that bankruptcy Rule 4001(a)(3) is not applicable and Movant is allowed to immediately proceed with foreclosure and all other relief available under the Non Bankruptcy law. Furthermore, Movant respectfully requests that reasonable attorney fees and costs associated with this Motion be awarded to Movant

RESPECTFULLY SUBMITTED,

/s/ MARY F. KENNEDY, ESQ.

**Dated:** September 23, 2016